

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1858.—Ordered to be printed.

Mr. JONES made the following

REPORT.

[To accompany Bill S. 255.]

The Committee on Pensions, to whom was referred the petition of Anthony Caslo or Castle, a soldier in the last war with Great Britain, have had the same under consideration, and report :

The petition sets forth that Anthony Caslo, otherwise called Anthony Castle, is a native of France, and for several years was a soldier in the French army; was taken prisoner in Spain during the Peninsular war, and carried into England, where he was induced to enlist in a regiment bound for Canada, with the hope of finally getting into the United States. In February, 1814, he left the British service, and joined the American militia, but was soon retaken, and tried for desertion, and condemned to be shot, which sentence was finally commuted to whipping. As soon as he was able, he again deserted, and enlisted in the army of the United States, and was attached to the 26th regiment of infantry, and was soon promoted to a sergeancy.

In the sortie at Fort Erie, on the 17th September, 1814, he was badly wounded by a musket ball in the left side, and was discharged on the 17th day of June, 1815, as being unfit to perform the duties of a soldier by reason of such wound.

The petitioner applied for a pension in 1816, but a pension was denied him; and in several successive applications, he was still denied, on the ground, as was alleged, that his name *did not appear upon the rolls*. This was subsequently found to be an error of the Third Auditor of the Treasury, as the following letter from the honorable John S. Gallaher will show :

TREASURY DEPARTMENT,
Third Auditor's Office, January 9, 1850.

SIR: I have the honor to return you herewith the letter of Mr. G. F. Lewis, with the enclosure which you transmitted to this office on the 5th instant, with a view to ascertain whether Anthony Castle, a discharged soldier of the 26th infantry, is entitled to extra pay, or retained bounty, and to inform you that, upon examination, he is found to have enlisted for the period of five years under a law author-

izing a bounty of one hundred and twenty-four dollars, fifty of which was payable on enlistment, fifty more on joining his regiment, and twenty-four dollars on being discharged. He received the first portion of bounty on his enlistment, and was discharged on the 17th June, 1815, as being unfit to perform the duties of a soldier by reason of a wound by a musket ball in his left side, and from the injurious effects of being whipped nine hundred lashes by the British for attempting to desert to the American standard. On his discharge, he was paid his monthly pay by Paymaster Tallmadge, together with his second and last portions of bounty, and an allowance for traveling from the place of discharge to that of his residence. There is, therefore, nothing further due him on that account from the United States.

With great respect, your obedient servant,

JOHN S. GALLAHER,
Third Auditor.

Hon. A. W. BUEL,
House of Representatives.

Subsequently to the discovery of this error, namely, on the 25th of May, 1851, he was put upon the pension roll at \$2 66 per month, which has since been increased to \$8 per month.

The committee are of opinion that his failure to obtain a pension under existing laws, at the time of his first application was due entirely to an oversight on the part of the government officer having charge of the case; and consider it but equitable that the petitioner should be made whole as against the loss thus sustained. In determining the rate of pension to be allowed from the time of his first application until he was finally put upon the roll, the committee think proper to adopt the rate of disability proved to exist at that time, and recommend that he be allowed \$2 66 per month from the 25th of May, 1816, to the time his name was entered upon the pension roll, and for that purpose herewith report a bill.